

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2010-091272

07/11/2011

HONORABLE BENJAMIN R. NORRIS

CLERK OF THE COURT

C. Gauna

Deputy

IN RE THE MATTER OF  
GARY MICHAEL SANCHEZ

GARY MICHAEL SANCHEZ  
1735 N PLATINA CIRCLE  
MESA AZ 85215

AND

KIMBERLY ANNE SANCHEZ

KIMBERLY ANNE SANCHEZ  
6038 E SELKIRK CIR  
MESA AZ 85215

DAVID WEINSTOCK PHD  
8350 E RAINTREE DR STE 120  
SCOTTSDALE AZ 85260

**APPOINTMENT OF THERAPEUTIC INTERVENTIONIST**

Upon further consideration by the Court,

**IT IS ORDERED** rescinding the portion of the Court's June 29, 2011 Minute Entry Order appointing Dr. David Weinstock as evaluator and also appointing additional counselor(s) for the parents and children.

In lieu of that portion of the Court's June 29, 2011 Minute Entry Order, and pursuant to A.R.S. §25-405,

**IT IS ORDERED** appointing Dr. Weinstock, 8350 E. Raintree Drive, Suite 120, Scottsdale, Arizona 85260, (480) 840-0400, as Court-appointed Therapeutic Interventionist ("Therapeutic Interventionist"):

**A. Scope**

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1. The Therapeutic Interventionist is to (a) gather data and inform the Court regarding family dynamics and functioning and (b) create desired change in individuals and family.

2. The process and goals of the intervention shall be determined by the Therapeutic Interventionist and may, among others, include the following: (a) Provide rehabilitation of a relationship between identified family members; (b) Identify, establish and communicate clear boundaries, behavioral expectations, and rules, rules for exchanges of the children, in order to enhance safety and health in the family; (c) Make referrals for therapy as appropriate for containment of psychological or behavioral issues regarding the parents or children as needed; (d) Report child maltreatment pursuant to applicable child abuse reporting statutes; (e) Facilitate the development of, or implement a Court-ordered, child-focused, schedule for access; (f) Facilitate conflict resolution; (g) Provide education and support to obviate re-litigation; and (h) Assist family members in establishing, among other things: [i] Rules for healthy interaction with each other; [ii] Rules for safe touch; [iii] Rules for appropriate child discipline; [iv] Rules for establishing appropriate behavioral limits; [v] Rules for family boundaries; [vii] Rules for what is discussed in telephone contacts between parents and children; [viii] Rules for behavior at exchanges; and [ix] Rules regarding who is present at exchanges and access.

3. This Court Intervention Appointment is specifically intended for the purpose of:

[ ] Reunification: The Therapeutic Interventionist shall assist the family during the process of reunification. The Therapeutic Interventionist shall work to support the relationship between family members in order to more closely approximate the parenting time plan as written in the Court's order. The Intervention is to be aimed at supporting the renewed parent/child relationship.

[ ] Supervised Parenting Time and Intervention: The Therapeutic Interventionist shall supervise visits with the goal of ensuring the child's physical and emotional safety. Supervised visitation may also involve some level of intervention, such as teaching a parent how to be more skillful.

[ ] Co-parent Intervention: The Therapeutic Interventionist shall assist Mother and Father in an effort to improve co-parenting and communication.

[X] Family Intervention: The Therapeutic Interventionist is to assist individuals within the family dynamic (e.g. Mother, Father, children, Stepparents, Grandparents, nanny, care providers, etc) with goals related to improving healthy family dynamics.

4. The Therapeutic Interventionist shall focus on a process and goals as previously identified by the Parenting Coordinator and the Court. This is to include:

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- a. A therapeutic assessment of Mother, Father, Gabby, and Hunter to determine therapeutic needs for each individual and the various family dynamics. The Therapeutic Interventionist's assessment should be included in the Therapeutic Interventionist's first written report to the Court.
- b. The Therapeutic Interventionist shall make specific recommendations to the family members regarding therapeutic services for the family and/or individual members of the family, and commence providing those services;
- c. The Therapeutic Interventionist shall consider making recommendations to the family for other mental health or community services that may help the family (e.g., anger management, parenting teens class, etc.); and
- d. If the Therapeutic Interventionist determines further evaluation is necessary outside the scope of the Therapeutic Interventionist's assignment by the Court, the Therapeutic Interventionist shall make appropriate recommendations to the Court in writing.

**B. The Therapeutic Interventionist's Report(s) to the Court**

In order to inform and assist the Court, the Therapeutic Interventionist shall provide brief written reports to the Court every 90 days, starting 90 days after the date of appointment. Reports of the Therapeutic Interventionist may be received in evidence without the necessity of any foundation and without the objection to hearsay statements contained therein or any other objection. The Therapeutic Interventionist's reports shall be delivered to the Court, the parties and counsel, unless the Therapeutic Interventionist asserts extraordinary extenuating circumstances, including but not limited to imminent life threat or the potential for serious harm to a person related to the case; in that instance, upon written request of the Therapeutic Interventionist, the Court shall make a ruling regarding dissemination. Sixty (60) days prior to the expiration of the Therapeutic Interventionist's appointment, the Therapeutic Interventionist shall submit to the Court and parties or their counsel (if represented), a summary report addressing the history of the services rendered, compliance by the parties, recommendations made, and any recommendations for future involvement of the Therapeutic Interventionist.

**C. Term**

The Therapeutic Interventionist hereby is appointed for a term of twelve (12) months from the date of this order, subject to (1) reappointment at the expiration thereof upon the Court's own motion, the request of the Therapeutic Interventionist, or motion of either party; or (2)

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earlier removal by Court order based upon motion showing good cause, stipulation of the parties, or (3) resignation by the Therapeutic Interventionist.

**D. The Authority of the Therapeutic Interventionist**

The Therapeutic Interventionist appointed by the Court in this order shall have the following authority:

1. The Therapeutic Interventionist shall serve as an expert for the Court in order to provide data and opinions relevant to the care of, custody of and access to the minor children in this case pursuant to applicable Arizona Statutes and case law.
2. The Therapeutic Interventionist shall have: (a) Reasonable access to the children and family members with 24-hour notice and (b) Reasonable access to all treating clinicians, medical doctors, educators, day care providers, and health care professionals with 24-hour notice. The parties shall immediately comply with any requests by the Therapeutic Interventionist for documentation or further evaluation such as random drug testing through TASC, substance use assessment by a licensed medical doctor, or any other form of assessment unless otherwise instructed by Court order.
3. The Therapeutic Interventionist is entitled to have access to (and copies of) all records, reports, and documents sought by the Therapeutic Interventionist.
4. The Therapeutic Interventionist may direct that the parties and/or children participate in adjunct services, to be provided by third parties, including but not limited to physical or psychological examinations, assessment, psychotherapy, co-parenting work, or alcohol and drug monitoring/testing. The Court shall allocate between the parties the cost of any adjunct service.
5. The Therapeutic Interventionist may communicate *ex-parte* with the Court regarding procedural issues. The Therapeutic Interventionist has the authority to make formal written requests regarding implementation, clarification, amendment and enforcement of orders of the Court. Such requests are made in writing and copied to counsel or the parties. The Court may order additional rules applicable to the Therapeutic Interventionist from time to time.
6. If any of the parties have attorneys, the attorneys may not engage in *ex-parte* communications regarding substantive issues with the Therapeutic Interventionist; all such communications shall be copied to all other parties (or their attorneys, if represented) or conducted with all other parties (or their attorneys, if represented) present, unless otherwise determined by the Court. Procedural issues and scheduling may be discussed at the discretion of the Therapeutic Interventionist. The Therapeutic Interventionist may choose to communicate

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with counsel about procedural issues and may refrain from discussing material originating in the intervention sessions at the Therapeutic Interventionist's discretion.

7. No other clinicians (including but not limited to therapists, psychologists and social workers) are to work with any of the parties or the children without the prior written consent or authorization of the Therapeutic Interventionist, unless otherwise authorized by Court order.

8. Although the Therapeutic Interventionist will espouse collegial inter-professional relations with the parties and their counsel, the Therapeutic Interventionist does not have to report to the parties or their attorneys, and any threats or intimidation by counsel or the parties toward the Therapeutic Interventionist shall be promptly reported to the Court.

9. The Therapeutic Interventionist has the authority to make recommendations regarding implementation, clarification, amendment and enforcement of any temporary or permanent treatment or reunification orders of the Court. Such recommendations are made in writing and copied to counsel or the parties. The Therapeutic Interventionist may report non-compliance by either party or any other person and may recommend appropriate sanctions for such behavior.

10. The Therapeutic Interventionist is entitled to receive copies of all minute entries, orders and pleadings filed in this case.

11. The Therapeutic Interventionist shall have access to: (a) All therapists of the children and parties; (b) All school and medical records of the children and parties; (c) Any and all psychological testing or evaluations performed on the children or the parties; (d) Any and all teachers/child care providers for the children; (e) Any and all additional records the Therapeutic Interventionist deems necessary and relevant to the evaluation. As the Therapeutic Interventionist is serving with authority from this Court, this Order should serve as an order to Child Protective Services (CPS) to provide any and all unredacted records related to this family from prior to the date of this appointment through the term of this appointment upon the request of the Therapeutic Interventionist. As the Therapeutic Interventionist is serving with authority from this Court, this Order should serve as an order to Department of Motor Vehicles to provide any and all unredacted records related to the above named parties from prior to the date of this appointment through the term of this appointment upon the request of the Therapeutic Interventionist.

12. The Therapeutic Interventionist may seek information and records that are the result of a privileged relationship. The Therapeutic Interventionist shall request only the records and information that are necessary and pertinent to further the purpose of this case stabilization. The possessor of the records and information will release relevant information in an effort to retain

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the integrity of the privileged relationship, yet cooperate with the needs of the Therapeutic Interventionist.

14. The Therapeutic Interventionist is authorized to interview and treat the parties or children in any combination.

16. The Therapeutic Interventionist has the right to determine, in his or her professional opinion, the information that he or she deems significant and relevant to the legal matter and the procedures necessary to obtain that information.

17. The Therapeutic Interventionist is permitted to consult with or exchange information with professionals and other collateral informants he or she deems appropriate in conducting this intervention and in preparing any report.

**E. Responsibilities of the Parties and Their Counsel**

1. At all times, each of the parties shall cooperate with the Therapeutic Interventionist in good faith and to the best of that party's abilities. This shall include but not be limited to: (a) Promptly providing the Therapeutic Interventionist with all information and documents requested by the Therapeutic Interventionist; (b) Appearing timely (with or without the children, as requested by the Therapeutic Interventionist) for all appointments; and (c) Participating in all services rendered by the Therapeutic Interventionist to the best of that party's ability.

2. At all times, each of the parties shall promote a healthy relationship between their children and the other parent and generally work toward fostering healthy familial relationships.

3. All information gathered by the Therapeutic Interventionist for the pending legal proceeding is restricted for use in this Family Court case, and neither the parties nor their agents or representatives (including friends and family members) may disseminate the Therapeutic Interventionist's report(s) or any other information or documents obtained from the Therapeutic Interventionist (or as a result of interacting with the Therapeutic Interventionist) without a Court order authorizing release of information.

4. At all times, the parties shall keep the Therapeutic Interventionist advised in writing of their and the children's addresses, telephone numbers for home, work and school, mailing address (if different than the living address), as well as any other pertinent contact information.

5. Each party shall execute any and all authorizations, releases or consents necessary so as to authorize the Therapeutic Interventionist's access to the information contemplated herein above. If either party provides information or documents to the Therapeutic Interventionist

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(whether or not at the request of the Therapeutic Interventionist), the party providing such information or documents shall simultaneously provide copies of all such information or documents to the other party (or the other party's counsel, if the other party is represented by counsel). Any costs associated with producing information and/or documents to the Therapeutic Interventionist or the other party shall be paid promptly and in full by the party producing the documents and/or information in question.

**F. Immunity**

The Therapeutic Interventionist shall act in the capacity of a Court-appointed special master pursuant to this Order, and as such, the Therapeutic Interventionist is cloaked with applicable judicial immunity consistent with Arizona case law applicable to quasi-judicial officers of the Court as to all actions undertaken pursuant to the Court appointment and this Order. Any alleged impropriety or unethical conduct by the Therapeutic Interventionist shall be brought to the attention of the Court immediately and in writing, and prior to the submission of such complaints to any administrative bodies. Professional conduct within the scope of this order shall not be deemed unprofessional conduct by the Court or any administrative body.

**G. Appearances**

Each party reserves the right to call the Therapeutic Interventionist as a witness. If only one party believes that the Therapeutic Interventionist's testimony is necessary (in addition to the Therapeutic Interventionist's report), that party shall be responsible for 100% of the costs incurred in connection with the Therapeutic Interventionist testifying during the hearing. The Therapeutic Interventionist may appear and may be available to testify at any Court hearing upon reasonable notice to the Therapeutic Interventionist, the Court, and the opposing party, regarding any issue addressed by the Therapeutic Interventionist. The parties and their attorneys are responsible for notifying the Therapeutic Interventionist of any changes the attorneys make in the originally scheduled hearing date(s). If the Therapeutic Interventionist is unable to provide a written report prior to the scheduled hearing, the Therapeutic Interventionist will notify the attorneys and the Court, specifying when the report shall be completed. If transcripts, tape recordings or videotapes have been made of any portions of the services rendered by the Therapeutic Interventionist, they shall be submitted to the Court. There will be no videotaping or audio taping of the Therapeutic Interventionist, the children or the parties without the prior written consent of the Therapeutic Interventionist or Court order.

**H. Fees**

The fees ordered to be paid to the Therapeutic Interventionist hereunder are considered to be in the nature of and enforceable as child support. The Father shall be responsible for and pay

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50% of the Therapeutic Interventionist's fees and the Mother shall be responsible for and pay 50% of the fees, until further order of the Court. All fees shall be paid in advance as determined by the Therapeutic Interventionist. The Therapeutic Interventionist shall keep accurate records of services rendered and fees paid by each party. If the Therapeutic Interventionist's fee policies include the payment of a retainer, said retainer shall be paid by responsible party/parties as determined by the fee pay structure outlined within this order, prior to the first appointment. Payment thereafter should be made in accordance with the Therapeutic Interventionist's fee procedures. If at any point a party has not abided by the Therapeutic Interventionist's payment procedures, the Therapeutic Interventionist may contact the Court and request that the non-paying party be directed to pay in order to continue the role envisioned by this order in a timely fashion. Should the Therapeutic Interventionist determine that one of the parties is using his/her services unnecessarily and is thereby causing greater expense for the other party as a result thereof, the Therapeutic Interventionist may recommend to the Court a different allocation for payment of fees and/or additional sanctions.

**I. Confidentiality**

There is no confidentiality relating to the parties' communications with/to the Therapeutic Interventionist or concerning the Therapeutic Interventionist's activities, treatment, referrals, data collection or recommendations. This Court order constitutes a complete waiver of doctor-patient privilege, as the Therapeutic Interventionist is appointed as the Court's expert. Additional rules applicable to the Therapeutic Interventionist may be ordered by the Court from time to time.

**IT IS FURTHER ORDERED** signing this minute entry as a formal order of this Court pursuant to Rule 81(D), Arizona Rules of Family Law Procedure.

Dated this 11th day of July, 2011

/S/ BENJAMIN NORRIS

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BENJAMIN NORRIS  
SUPERIOR COURT JUDICIAL OFFICER

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.